

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:09CR0254 CDP
)	
BRANDIN ALLEN,)	
)	
Defendant.)	

ORDER DENYING RECONSIDERATION OF DETENTION

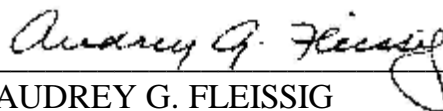
This matter came before the Court on Defendant's motion for reconsideration of order of detention (Doc. #15), requesting that the Court release Defendant on some conditions of bond. Defendant is charged with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). A hearing on the government's motion for pretrial detention was held on May 19, 2009. The Pretrial Services Report ("PSR") was amended to reflect that the January 6, 2003, conviction on page 3 of the PSR was erroneously included, and as amended, neither party had any objections to the information contained in the PSR. Defendant has waived his right to file pretrial motions, and trial is scheduled for July 13, 2009.

In his motion, Defendant asserts that he can continue to reside with his mother; that his mother has approximately \$40,000 in equity in her home that she is willing to post to secure Defendant's release; and that he would agree to electronic monitoring, drug testing and counseling, and any other conditions set by the Court. He further notes that

inasmuch as Defendant remains under the supervision of the state probation office, he would be under the supervision of two probation offices.

Notwithstanding the proffer by Defendant, the Court reaffirms its Order of pretrial detention, for the reasons stated in its prior Order and the PSR. The Court notes that Defendant has been on probation almost continuously since 2003, throughout which time period Defendant resided with his mother, and has twice been given shock incarceration. Nonetheless, Defendant has continued to commit new offenses while on probation, has repeatedly attempted to flee from the police, has previously failed to appear, and has been wholly non-compliant with drug treatment and other requirements of supervision. The Court does not believe that adding supervision by yet another pretrial/probation office will change Defendant's pattern of behavior, and finds that there is no condition or combination of conditions, including those now proffered by Defendant, that will adequately assure Defendant's appearance and the safety of the community.

THEREFORE, IT IS HEREBY ORDERED that the motion of Defendant to reconsider this Court's prior Order of detention [Doc. #23] be **Denied**, and that Defendant continue to be detained pending trial in this cause.



AUDREY G. FLEISSIG
United States Magistrate Judge

Dated this 16th day of June, 2009.